IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4729 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? 1 to 5 NO

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HARSHAD J. DAVE - Petitioner(s)

Versus

GUJARAT STATE ROAD TRANSPORT CORPORATION & 1 - Respondent(s)

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Appearance :

MR MB GANDHI for Petitioner(s) : 1,
NOTICE NOT RECD BACK for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 1 - 2.
MR ASHISH M DAGLI for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 13/12/2005

ORAL JUDGMENT

1. This petition under Article 226 of the Constitution was filed with a prayer to direct the respondents to make payment of the retirement dues with interest. During the course of hearing and pendency of the petition since April 2004, most of the legal dues are stated to have been paid by the respondents and the

admitted amount now remaining due being Rs.7,584/- is to be paid within a period of one week, according to the statement made by learned counsel Mr.A.M.Dagli, who appears for respondent No.1, on instructions of Mr.M.K.Dave who was present in the Court.

2. Learned counsel Mr.M.B.Gandhi submitted that there were still some claims of the petitioner which may be permitted to be agitated in a recovery application which may be filed in the Labour Court for determination and computation. He further submitted that, in case any further amount is determined to be due to the petitioner, the same is also required to be recovered with interest in view of delay in final payment of the retiral dues of the petitioner.

3. For the present, the petitioner is stated to have been paid all the retiral dues according to the statement made, on instructions, on behalf of respondent No.1 and the petition is not pressed for any further relief except liberty to approach the Labour Court for any amount remaining due according to the petitioner. Therefore, the petition is disposed as having become infructuous with liberty to the petitioner to approach the Labour Court with legitimate claims, if any. Rule is discharged with no order as to costs.

Sd/-

(D.H.WAGHELA, J.)

(KMG Thilake)